

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Ahmed Isifan (A 206 593 531))
Plaintiffs,)
v.)
Kristi Noem, Secretary,) Case No. 25-cv-4257
Department of Homeland Security;)
Kevin Riddle, District Director,)
Chicago Field Office, U.S. Citizenship &)
Immigration Services,)
Defendants.)

PETITION FOR WRIT OF MANDAMUS

Plaintiff, Ahmed Isifan, by and through his own and proper person and through his attorneys KRIEZELMAN BURTON & ASSOCIATES, LLC, hereby petition this Honorable Court for a Writ of Mandamus directing the U.S. Department of Homeland Security and U.S. Citizenship and Immigration Services (hereinafter “USCIS”) to adjudicate his I-485 application for lawful permanent resident status, and in support thereof, state as follows:

Introduction

1. This is a civil action brought by Ahmed Isifan to compel the Defendants to take action on the application for lawful permanent resident status (USCIS Form I-485) filed by Plaintiff with U.S. Citizenship and Immigration Services (“USCIS”) *over one and a half years ago.*

Jurisdiction And Venue

2. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) in conjunction with 28 U.S.C. § 1361 (mandamus), the Administrative Procedure Act (APA) (5 U.S.C. § 555(b)), and the Immigration & Nationality Act and regulations implementing it (Title 8 of the CFR).
3. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” There is jurisdiction under 28 U.S.C. § 1331 because this action arises under the Administrative Procedure Act (APA) (5 U.S.C. § 555(b) and 5 U.S.C. § 702), and the Immigration & Nationality Act (INA) and regulations implementing it (Title 8 of the CFR).
4. Under 28 U.S.C. § 1361, “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”
5. The APA requires USCIS to carry out its duties within a reasonable time. 5 U.S.C. § 555(b) states, “[w]ith due regard for the convenience and necessity of the parties or their representatives and within a reasonable time, each agency shall proceed to conclude a matter presented to it.” USCIS is subject to 5 U.S.C. § 555(b). Plaintiffs contend that the delay in processing their visa petition is unreasonable.
6. Both the regulations and the INA provide numerous examples of duties owed by USCIS in the adjustment of status process. 8 U.S.C. § 1103 states that “[t]he Attorney General *shall* be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens.” (emphasis added). The Code of Federal Regulations further provides most importantly, that “USCIS will notify the

applicant in writing of the decision on his or her application.” 8 C.F.R. § 209.2(f) (emphasis added).

7. USCIS has a mandatory duty to adjudicate applications and petitions and jurisdiction thus vests in mandamus before this Court. *Iddir v. INS*, 301 F.3d 492, 500 (7th Cir. 2002).
8. Venue of this action is proper under 28 U.S.C. § 1391(e)(3). The Defendants maintain offices in this district and the USCIS Office in this district is adjudicating Plaintiff’s application. Further, Plaintiff resides in Cook County, Illinois, which is within the judicial district of the Northern District.

Parties

9. Plaintiff Ahmed Isifan was born in Palestine. He resides in Cook County, Illinois.
10. Defendant Kristi Noem, Secretary for the Department of Homeland Security (“DHS”), is being sued in his official capacity only. Pursuant to the Homeland Security Act of 2002, Pub. L. 107-296, Defendant Mayorkas, through er delegates, has authority to adjudicate adjustment of status applications and visa petitions filed with the United States Citizenship and Immigration Services (USCIS) and to accord lawful permanent resident status pursuant to 8 U.S.C. § 1209.
11. Defendant, Kevin Riddle, is sued in his official capacity only. He is the District Director of the Chicago Field Office of USCIS. As such, he is the Secretary’s designate for the Chicago area, charged with the duty of administration and enforcement of all the functions, powers, and duties of USCIS.

Factual Background

12. Plaintiff Ahmed Isifan is a citizen of Palestine. Plaintiff Isifan was granted asylum status in the U.S. in 2022.

13. On or about October 1, 2023, Plaintiff Isifan filed an I-485 application for lawful permanent resident status.
14. To date, USCIS has still not made a decision on the application for resident status.
15. Plaintiff has received no communication regarding final adjudication of the visa petition or application, nor have they been instructed to provide any further information or documentation to USCIS. His application has been marked as ready for interview since December 2023. No interview has been scheduled.

Request For Relief

16. Plaintiff has complied with all the requirements for filing an application for resident status.
17. The Defendants have willfully and unreasonably delayed and have refused to adjudicate the application for lawful permanent resident status (Form I-485).
18. The delay in adjudicating the application is not attributable to the Plaintiff.
19. The Defendants owe the Plaintiff a duty to adjudicate the application for resident status and have unreasonably failed to perform that duty by not adjudicating the application to date. This duty is owed under the Immigration & Nationality Act and its implementing regulations, as well as by the fact that by charging a filing fee, USCIS created for itself an obligation to process and adjudicate the application.
20. The delay is unreasonable per se.
21. Plaintiff has exhausted all administrative remedies that may exist. No other remedy exists to resolve Defendants' delay and lack of ability or willingness to adjudicate the application.

WHEREFORE, Plaintiff prays that this Honorable Court compel the Defendants and those acting under them to perform their duty or duties to adjudicate the application for lawful permanent resident status (Form I-485).

Respectfully Submitted,
Ahmed Isifan

By: s/ Kevin Raica

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